

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cv-10621

David Josselyn

v.

Kathleen Dennehey

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for Notice of Appeal filed on 8/4/05.

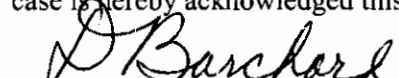
In testimony whereof, I hereunto set my hand and affix the seal of this Court on September 21, 2005.

Sarah A. Thornton, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 9/21/05.


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APF AL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-10621-GAO**

Josselyn v. Dennehy
Assigned to: Judge George A. O'Toole, Jr
Cause: 28:2254 Petition for Writ of Habeas
Corpus (State)

Date Filed: 04/01/2004
Jury Demand: None
Nature of Suit: 530 Habeas
Corpus (General)
Jurisdiction: U.S. Government
Defendant

Petitioner

David Josselyn

represented by **Rosemary C. Scapicchio**
Law Office of Rosemary C.
Scapicchio
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Respondent

Kathleen Dennehy

represented by **Annette C. Benedetto**
Department of Attorney General
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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Natalie S Monroe

Attorney General's Office

One Ashburton Place

Boston, MA 02108

617-727-2200 X 2833

Fax: 617-727-5755

TERMINATED: 02/01/2005

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/31/2004	<u>1</u>	PETITION for writ of habeas corpus pursuant to 28:2254 § 5, receipt number 54918, filed by David Josselyn.(Edge, Eugenia) (Entered: 04/01/2004)
03/31/2004		• If the trial Judge issues an Order of Reference of ar matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Dein. (Edge Eugenia) (Entered: 04/01/2004)
03/31/2004	<u>2</u>	MEMORANDUM IN SUPPORT by David Jossely to <u>1</u> Petition for writ of habeas corpus (28:2254). (Attachments: # <u>1</u> Part two of Memo in Support# <u>2</u> Part three of Memo in Support)(Edge, Eugenia) (Entered: 04/01/2004)
04/05/2004	<u>3</u>	Judge George A. O'Toole Jr.: ORDER entered SERVICE ORDER re 2254 Petition. Order entered pursuant to R.4 of the Rules governing Section 225. cases for service on respondents. Answer/responsiv pleading due w/in 20 days of rcpt of this order.

		(Copies of petition mailed)(Lyness, Paul) (Entered: 04/06/2004)	
04/26/2004	<u>4</u>	NOTICE of Appearance of Natalie S. Monroe, Esc by Kathleen Dennehy (Barrette, Mark) (Entered: 04/29/2004)	
04/29/2004	<u>5</u>	MOTION for Extension of Time to 5/27/04 to Respond to Petition for Writ of Habeas Corpus by Kathleen Kennedy.(Barrette, Mark) (Entered: 04/29/2004)	
05/27/2004	<u>6</u>	Assented MOTION for Extension of Time to 7/23/2004 to Respond to Petition for Writ of Habe Corpus by Kathleen Kennedy.(Barrette, Mark) (Entered: 06/02/2004)	
06/28/2004	•	Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>5</u> Motion for Extension of Time, u 5/27/04 to respond to petition granting <u>6</u> Motion for Extension of Time, until 7/23/04 to respond to peti (Lyness, Paul) (Entered: 06/28/2004)	il n
07/29/2004	<u>7</u>	MOTION for Extension of Time to 8/27/2004 to F Response as to <u>1</u> Petition for writ of habeas corpus (28:2254) by Kathleen Kennedy.(Barrette, Mark) (Entered: 08/10/2004)	
08/27/2004	<u>8</u>	Assented to MOTION for Extension of Time to September 1, 2004 to Respond to the Petition for a Writ of Habeas Corpus by Kathleen Kennedy. (Monroe, Natalie) (Entered: 08/27/2004)	
08/30/2004	•	Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>7</u> Motion for Extension of Time, u 8/27/04, to File Response/Reply, granting <u>8</u> Motion for Extension of Time, until 9/1/04, to File Response/Reply (Lyness, Paul) (Entered: 08/30/2004)	il)
09/03/2004	<u>9</u>	SUPPLEMENTAL APPENDIX by Kathleen Kennedy. (Barrette, Mark) (Entered: 09/09/2004)	

09/03/2004	●10	MOTION to Dismiss by Kathleen Dennehy.(Barre Mark) (Entered: 09/10/2004)	
09/03/2004	●11	MEMORANDUM in Support re 10 MOTION to Dismiss filed by Kathleen Dennehy. (Barrette, Ma (Entered: 09/10/2004)	
09/22/2004	●12	MOTION for Extension of Time to 11/30/2004 to Opposition as to 10 MOTION to Dismiss by Davic Josselyn.(Barrette, Mark) (Entered: 09/28/2004)	e
09/22/2004	●13	AFFIDAVIT in Support re 12 MOTION for Exten of Time to 11/30/2004 to File Opposition as to 10 MOTION to Dismiss. (Barrette, Mark) (Entered: 09/28/2004)	n
11/04/2004	●	Judge George A. O'Toole Jr.: Electronic ORDER entered granting 12 Motion for Extension of Time File Response/Reply re 12 MOTION for Extension Time to 11/30/2004 to File Response/Reply as to 1 MOTION to Dismiss Responses due by 11/30/2004 (Lyness, Paul) (Entered: 11/04/2004)	
11/16/2004	●	NOTICE of Hearing on Motion 10 MOTION to Dismiss: Motion Hearing set for 1/10/2005 02:00 P in Courtroom 9 before George A. O'Toole Jr.. Please mark your calendars accordingly. (Lyness, Paul) (Entered: 11/16/2004)	
11/24/2004	●14	Assented to MOTION for Extension of Time to January 31, 2005 to File Response/Reply as to 10 MOTION to Dismiss by David Josselyn.c/s(Edge, Eugenia) (Entered: 11/30/2004)	
11/24/2004	●15	AFFIDAVIT in Support re 14 MOTION for Extens of Time to January 31, 2005 to File Response/Reply to 10 MOTION to Dismiss. (Edge, Eugenia) (Entered: 11/30/2004)	1 3
12/09/2004	●	Judge George A. O'Toole Jr.: Electronic ORDER entered granting 14 Motion for Extension of Time to	

		File Response/Reply re <u>14</u> MOTION for Extension of Time to January 31, 2005 to File Response/Reply to <u>10</u> MOTION to Dismiss Responses due by 1/31/2005 (Lyness, Paul) (Entered: 12/09/2004)	
12/09/2004	•	NOTICE of Hearing on Motion <u>10</u> MOTION to Dismiss: Motion Hearing is now set for 2/7/2005 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly (Lyness, Paul) (Entered: 12/09/2004)	
02/01/2005	• <u>16</u>	NOTICE of Appearance by Annette C. Benedetto on behalf of Kathleen Dennehy. c/s (Edge, Eugenia) (Entered: 02/02/2005)	
02/02/2005	• <u>17</u>	MEMORANDUM in Opposition re <u>10</u> MOTION to Dismiss filed by David Josselyn. c/s (Edge, Eugenia) (Entered: 02/03/2005)	
02/07/2005	•	Electronic Clerk's Notes for proceedings held before Judge George A. O'Toole Jr.: Motion Hearing held 2/7/2005 re <u>10</u> MOTION to Dismiss filed by Kathleen Dennehy,. The court takes the matter under advisement. (Court Reporter Richard Romanow.) (Lyness, Paul) (Entered: 02/07/2005)	
03/10/2005	• <u>18</u>	Judge George A. O'Toole Jr.: MEMORANDUM AND ORDER entered temporarily granting in part and denying in part <u>10</u> Motion to Dismiss. Accordingly the entire petition will be dismissed unless the petitioner elects to voluntarily dismiss the two unexhausted claims within 35 days from the date of this order. If he does so elect, those claims shall be dismissed without prejudice, and the petition shall be entertained on the merits as to the four exhausted claims. (Lyness, Paul). (Entered: 03/14/2005)	
04/15/2005	• <u>19</u>	MOTION for Extension of Time to May 23, 2005 to File Response/Reply as to <u>18</u> Order on Motion to Dismiss, by David Josselyn. c/s(Edge, Eugenia)	

		(Entered: 04/20/2005)	
04/15/2005	20	AFFIDAVIT in Support re <u>19</u> MOTION for Extension of Time to May 23, 2005 to File Response/Reply as to <u>18</u> Order on Motion to Dismiss, c/s (Edge, Eugenia) (Entered: 04/20/2005)	on o
04/15/2005	21	Letter (non-motion) re: Motion to extend dated 4/8, from Atty. Rosemary Scapicchio. (Edge, Eugenia) (Entered: 04/20/2005)	5,
04/22/2005		Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>19</u> Motion for Extension of Time File Response/Reply re <u>19</u> MOTION for Extension of Time to May 23, 2005 to File Response/Reply as to <u>18</u> Order on Motion to Dismiss, Responses due by 5/23/2005 (Lyness, Paul) (Entered: 04/22/2005)	f 8
05/23/2005	22	Letter(non-motion) from Rosemary Curran Scapicchio re: Supreme Court's decision Rhines v Weber S.Ct. (March 30, 2005) (Edge, Eugenia) (Entered: 05/24/2005)	o
07/13/2005	23	Judge George A. O'Toole Jr.: ORDER entered. JUDGMENT in favor of Respondent against Petitioner(Lyness, Paul) (Entered: 07/13/2005)	
08/04/2005	24	NOTICE OF APPEAL as to <u>23</u> Judgment by David Josselyn. \$ 255 Reason fee is not required: Defendant is indigent. Counsel appointed by Committee for Public Counsel Services NOTICE TO COUNSEL: Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 8/24/2005. (Attachments: # 1 Certificate of Appealability# 2 Appendix Court Order# 3 Judgement)(Scapicchio, Rosemary) (Entered: 08/04/2005)	

09/07/2005	25	Judge George A. O'Toole Jr.: ORDER GRANTING LIMITED CERTIFICATE OF APPEALABILITY entered. (Lyness, Paul) (Entered: 09/07/2005)
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